



S.A.No.253 of 2018
& C.M.P.Nos.6456 & 6457 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.01.2024

Coram:

THE HONOURABLE Mr. JUSTICE P.B.BALAJI

S.A.No.253 of 2018
& C.M.P.Nos.6456 & 6457 of 2018

A.Krishnan.

... Appellant/Plaintiff

/versus/

S.Iyyappan.

...Respondent/defendant

Prayer: Second Appeal has been filed under Section 100 of C.P.C., to set aside the decree and judgment of the First Appellate Court viz., Subordinate Judge at Arakkonam, passed in A.S.No.02 of 2016, dated 16.08.2017 confirming the decree and judgment of the Trial Court viz., District Munsif, Arakkonam in O.S.No.46 of 2008 dated 27.11.2015.

For Appellant : Mr.S.Vijay Anand

For Respondent : Mrs.Thamizharasi



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JUDGMENT

The appellant is the unsuccessful plaintiff in a suit for bare injunction. The Courts below have concurrently dismissed the suit. As against which the present Second Appeal has been preferred.

2. Perused the judgment of the Trial Court as well as the First Appellate Court.

3. The Courts below have rightly assessed the oral and documentary evidence available on record and found that the plaintiff as not entitled for injunction as prayed for.

4. I do not find any illegality or perversity in the findings of the Courts below. At this juncture, it is brought to the notice of this Court by the Learned Counsel on either side that the respondent in the Second Appeal has preferred O.S.No.58 of 2020 for partition and similarly, the plaintiff has preferred O.S.No.60 of 2023 for permanent injunction. While confirming the findings of the

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Courts below, it is open to the parties to contest the above mentioned suits and work out their respective reliefs in the suit.

5. Accordingly, the Second Appeal is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

24.01.2024

Index :Yes/No.
Speaking Order/Non-Speaking order
bsm

Copy to:-

1. The Subordinate Judge, Arakkonam.
2. The District Munsif, Arakkonam.



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P.B.BALAJI, J.

bsm

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24.01.2024